

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4-6, 8, 9, 11, 12, and 14-20 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 4-6, 8, 9, 11, 12, and 14-20 are now pending in this application.

Claim 1 has been amended to recite in the preamble, a “flexible centrifugal chamber.” Claim 1 has also been amended to recite additional limitations of “a first circular side wall” and “a second, opposing circular side wall,” and that the “expandable wall extending between an outer circumference of each of the first and second opposing circular side walls.” In particular, Claim 1 has been further amended to recite that “a first end of the expandable wall is attached to the outer circumference of the first circular side wall of the flexible chamber and a second end of the expandable wall is attached to the outer circumference of the second, opposing circular side wall of the flexible chamber.”

Independent claims 9, 19, and 20 have been amended to recite similar limitations. In addition, dependent claims 4-6, 8, 11, 12, and 14-18 have been amended for consistency with the amended independent claims.

Support for the claim amendments can be found throughout the originally filed application, for example at ¶0024, pg. 2 of the published application, and in FIGs. 2A, 2B, 5A, 5B, and 5C. Applicant believes that no new matter is added by way of these amendments.

Claims Objections

Claim 11 has been amended to recite an additional limitation that “axial openings of each of the first and second circular side walls are centered about a rotational axis of the flexible centrifugal chamber.” This limitation is not found within claim 9, such that claim 11 if found allowable would not be a substantial duplicate of claim 11. Applicant respectfully submits that the objection to claim 11 is moot in view of amendments to the claim.

Claims Rejections – 35 USC § 112

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 19 has been amended to more particularly set forth the scope of the claim. Claim 19 has also been amended to clarify that each of the flexible chambers is being referenced, rather than any particular one of the chambers. Applicant respectfully submits that the rejections to claim 19 are moot in view of amendments to the claim. Applicant requests that the rejection to claim 19 be removed.

Claims Rejections – 35 USC § 102

Claims 1, 4-6, 8, 9, 11, 12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication No. WO 02/28451 (hereinafter Jorgensen).

Independent claim 1 has been amended to recite, in pertinent part, that “expandable wall extending between an outer circumference of each of the first and second opposing circular side walls.” (Emphasis added). More particularly, claim 1 has been amended to recite that “a first end of the expandable wall is attached to the outer circumference of the first circular side wall of the flexible chamber and a second end of the expandable wall is attached to the outer circumference of the second, opposing circular side wall of the flexible chamber.”

Jorgensen describes at pg. 3, ll. 7-12, that the “chambers are constructed from the two sheets of flexible material, the two sheets of material sealed at an outer circumference.” Exemplary chambers are illustrated in FIGs. 3, 4, 7, and 8, showing the two sheets of material sealed at an outer circumference. To the extent the two sheets of material correspond to the first and second opposing circular side walls, Jorgensen does not describe, teach, or suggest providing an “expandable wall extending between an outer circumference of each of the first and second opposing circular side walls.”

Consequently, claim 1 as amended is not anticipated by Jorgensen, at least because Jorgensen fails to describe any “expandable wall extending between an outer circumference of each of the first and second opposing circular side walls” as recited in Applicant’s amended claim.

Independent claims 9, 19, and 20 have been amended to recite similar limitations and are therefore distinguishable from Jorgensen for at least the same reasons set forth above. Dependent claims 4-6, 8, 11, 12 and 14-18 depend directly or indirectly from respective ones of independent claims 1, 9, 19, and 20. By their dependencies, each of dependent claims 4-6, 8, 11, 12 and 14-18 is also distinguishable from Jorgensen for at least the same reasons set forth above.

Applicant respectfully requests that the rejection of claims 1, 4-6, 8, 9, 11, 12 and 14-20 be removed.

Claims 1, 4-6, 8, 9, 11, 12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,242,398 to Knoll et al. (hereinafter Knoll et al.).

The Knoll et al. reference is not a proper alleged anticipatory reference, because the reference is ‘nonanalogous art’ or otherwise not recognized as solving the problem solved by the claimed invention.” M.P.E.P. §2131.05, citing *Twin Disc, Inc. v. United States*, 231 USPQ 417, 424 (Cl. Ct. 1986) (quoting *In re Self*, 671 F.2d 1344, 213 USPQ 1, 7 (CCPA 1982)).

The Knoll et al. reference is directed to a catheter assembly including a sheath having a “plurality of fold lines which form accordion-like pleats to enable a collapse of the sheath.” (Abstract). The sheath is used to preserve the sterility of a catheter during insertion into a patient. (Col. 2, ll. 31-34). With respect to claim 1 as amended, Applicant’s claim is directed to “flexible centrifugal chamber.” Since the Knoll et al. reference is directed to use of a catheter, as in insertion into a patient, it would clearly not be recognized as solving the problem solved by the claimed invention, which relates to centrifugal processing.

Even if were proper to consider the Knoll et al. reference as analogous art, and it is not, the reference would still fail to anticipate Applicant’s invention, at least because the reference fails to describe each and every limitation of Applicant’s claimed invention. Namely, Knoll et al. fails to describe, teach or suggest at least a first circular side wall with an axial opening, a second, opposing circular side wall with an axial opening, and a circumferential expandable wall extending between an outer circumference of each of the first and second opposing circular side walls, as recited in Applicant’s claims as amended herein. Rather, Knoll et al. describes a sheath 24 including a flange 30 at one end for engaging a patient during an insertion. (Col. 6, ll. 3-6) The flange 30 is not a wall, but is described as being “cup shaped.” There is no particular structure described at an opposite end of the sheath 24. Presumably the end of the sheath 24 opposite the flange 30, is simply an end of the sheath 24.

Consequently, claim 1 as amended is not anticipated by Knoll et al., because the reference is nonanalogous art. Even if it were proper to rely on Knoll et al., Applicant’s claimed invention is not anticipated at least because the cup-shaped flange is not a circular side wall, and because Knoll et al. fails to describe, teach, or suggest any sort of “second, opposing circular side wall” as recited in Applicant’s claims as amended herein.

Independent claims 9, 19, and 20 have been amended to recite similar limitations and are therefore distinguishable from Knoll et al. for at least the same reasons set forth above.

Dependent claims 4-6, 8, 11, 12 and 14-18 depend directly or indirectly from respective ones of independent claims 1, 9, 19, and 20. By their dependencies, each of dependent claims 4-6, 8, 11, 12 and 14-18 is also distinguishable from Knoll et al. for at least the same reasons set forth above.

Applicant respectfully requests that the rejection of claims 1, 4-6, 8, 9, 11, 12 and 14-20 be removed.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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